

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NO.

596

## TRANSMITTAL LETTER TO THE UNITED STATES

DESIGNATED/ELECTED OFFICE (DO/EO/US)

CONCERNING A FILING UNDER 35 USC 371

U.S. APPLICATION NO.

Unassigned 09/720276

PRIORITY DATE CLAIMED  
23 June 1998INTERNATIONAL APPLICATION NO.  
PCT/US99/14119INTERNATIONAL FILING DATE  
23 June 1999

TITLE OF INVENTION

FITNESS ASSAY AND ASSOCIATED METHODS

APPLICANT(S) FOR DO/EO/US




Erickson et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 USC 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 USC 371.
3. ☒ This is an express request to begin national examination procedures (35 USC 371(f)).
4. ☒ The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).
5. ☒ A copy of the International Application as filed (35 USC 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 USC 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 USC 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 USC 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 USC 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 USC 371(c)(5)).
11. Nucleotide and/or Amino Acid Sequence Submission
  - a. ☐ Computer Readable Form (CRF)
  - b. ☐ Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ Paper Copy
  - c. ☐ Statement verifying identity of above copies

## Items 12 to 19 below concern other document(s) or information included:

12. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
  - ☐ Form PTO-1449
  - ☐ Copies of Listed Documents
13. ☐ An assignment for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
14. ☒ A **FIRST** preliminary amendment.
  - ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☒ Application Data Sheet Under 37 CFR 1.76
18. ☒ Return Receipt Postcard
19. ☒ Other items or information:
  - Pending Claims as of December 21, 2000
  - Amendments to Claims on December 21, 2000

U.S. APPLICATION NO. 09/720276		INTERNATIONAL APPLICATION NO. PCT/US99/14119		ATTORNEY'S DOCKET NO. 207596	
20. <input checked="" type="checkbox"/> The following fees are submitted:				CALCULATIONS	PTO USE ONLY
<b>Basic National Fee (37 CFR 1.492(a)(1)-(5)):</b> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$1,000.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$ 860.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO, but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$ 710.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4)..... \$ 690.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1) to (4) ..... \$ 100.00					
ENTER APPROPRIATE BASIC FEE AMOUNT=				\$860.00	
Surcharge of \$130.00 for furnishing the National fee or oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	66	-20=	46	x \$ 18.00	\$828.00
Independent Claims	4	- 3 =	1	x \$ 80.00	\$80.00
<input type="checkbox"/> Multiple Dependent Claim(s) (if applicable)				+\$270.00	\$
TOTAL OF ABOVE CALCULATIONS=				\$1768.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	
SUBTOTAL=				\$1768.00	
Processing fee of \$130.00 for furnishing English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date.				\$	
TOTAL NATIONAL FEE=				\$1768.00	
Fee for recording the enclosed assignment. The assignment must be accompanied by an appropriate cover sheet. \$40.00 per property				+	\$
TOTAL FEE ENCLOSED=				\$1768.00	
				Amount to be: refunded	\$
				charged:	\$
<p>a. <input type="checkbox"/> A check in the amount of \$ to cover the above fee is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge Deposit Account No. 12-1216 in the amount of \$1768.00 to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 12-1216. A duplicate copy of this sheet is enclosed.</p>					
<p><b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b></p>					
SEND ALL CORRESPONDENCE TO:					
Customer Number: 23460					
 <b>23460</b> PATENT TRADEMARK OFFICE			<div style="text-align: center;">           Carol Larcher, Registration No. 35,243          One of the Attorneys for Applicant(s)       </div> <div style="text-align: center;">           Date       </div>		

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## CERTIFICATION UNDER 37 CFR 1.10

"Express Mail" Label Number: EL643534715US

Date of Deposit: December 21, 2000

I hereby certify that this express request to begin national examination procedures under 35 USC 371(f) of the International Patent Application referenced above, including all of the items listed thereon as enclosures, is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to Box PCT, Assistant Commissioner for Patents, Attention: DO/EO/US, Washington, D.C. 20231.

Elizabeth M. Campbell

Printed Name of Person Signing:

Elizabeth M. Campbell

Signature